

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

NANCY DREW SUDERS,

Plaintiff

V.

**THE PENNSYLVANIA
STATE POLICE,**

Defendant

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CIVIL NO. 1:CV-00-1655

ORDER

Before the court is “Plaintiff’s Concurred in Motion for Enlargement of Time *Nunc Pro Tunc*” (Doc. 48). In the motion, Plaintiff’s counsel seeks an extension of time to respond to Defendant’s motions *in limine* filed on January 21, 2005. The response was due on January 31, 2005. (*See* Doc. 40.) Plaintiff’s counsel contends that he thought the response was due by February 4, 2005 due to the wording in the court’s order of December 10, 2004. Counsel also offers that his colleague who was going to respond to the motion has been ill and unable to respond. The court will deny Plaintiff’s counsel’s request for the following reasons.

First, the court has already issued a ruling on Defendant's motions on February 4, 2005. (*See* Doc. 40.) The court granted Defendant's motions partly because Plaintiff had not responded, but also because Defendant's arguments had merit as explained in the court's order. (*Id.*) Second, the court's December 10, 2004 order was clear; Plaintiff's counsel's attempt to fault the court for his tardiness is unacceptable. Third, Plaintiff's counsel's efforts to remedy the situation are also belated. The court's order resolving Defendant's motions went out nearly a week ago. The court's willingness to comply with Plaintiff's counsel's request is

substantially reduced due to his lack of prompt attention to the matter. Fourth, even though defense counsel graciously concurred in the motion, the court is not bound to grant a motion under those circumstances.

In accordance with the foregoing, **IT IS HEREBY ORDERED**
THAT “Plaintiff’s Concurred in Motion for Enlargement of Time *Nunc Pro Tunc*”
(Doc. 48) is **DENIED**.

s/Sylvia H. Rambo
Sylvia H. Rambo
United States District Judge

Dated: February 10, 2005.